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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,142	04/20/2001	Raymond E. Suorsa	033048-059	9523

21839 7590 06/17/2005

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EXAMINER

PHAN, TAM T

ART UNIT PAPER NUMBER

2144

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/838,142	SUORSA ET AL.	
	Examiner	Art Unit	
	Tam (Jenny) Phan	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Amendment received 02/28/2005 has been entered. Claims 1-21 are cancelled. Claims 22-31 are newly added.
2. Claims 22-31 are presented for examination.

### *Priority*

3. This application claims benefit of application 09/699,329 (10/31/2000) and application 09/699,353 (10/31/2000).
4. The effective filing date for the subject matter defined in the pending claims which has support in parent applications 09/699,329 and 09/699,353 in this application is 10/31/2000. Any new subject matter defined in the claims not previously disclosed in parent application 09/699,329 and 09/699,353, is entitled to the effective filing date of 04/20/2001.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 22-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (U.S. Patent Number 6,816,964), hereinafter referred to as Suzuki.
7. Regarding claim 22, Suzuki disclosed a method for executing commands on a remote device (Title, Abstract, Figures 1, 4-5), comprising the following steps:

creating a queue containing a sequence of commands to be executed on the remote device (Abstract, Figure 1 sign 11, Figures 5 & 7, column 6 lines 60-65); sequentially providing the commands in the queue to an agent running on the remote device for execution (Figure 1 sign 12, Figure 5 sign 12, column 6 lines 60-65); initiating a reboot process on the remote device (Figure 4 signs S6, S8, S10, Figure 5) ; placing the queue in a reboot status in response to the initiation of the reboot process (Figure 5, column 7 lines 2-9, lines 23-34, column 8 lines 38-45); detecting the completion of the reboot process at the remote device (column 8 lines 46-53); removing the queue from reboot status in response to said detection and checking the queue to determine if any commands in the sequence have not yet been completed (Figure 4, column 8 lines 25-53, column 9 lines 8-12); and resuming the step of sequentially providing commands in the queue to the agent if uncompleted commands are determined to be present in the queue (Figures 4-5, column 8 lines 25-53).

8. Regarding claim 23, Suzuki disclosed a method wherein said command queue is stored in a database that is remote from said device (Figure 1 sign 11, Figures 5 & 7, column 2 lines 32-50, column 3 lines 25-29).

9. Regarding claim 24, Suzuki disclosed a method wherein said reboot process is initiated by transmitting a reboot command from a central location to said agent on the remote device (Figure 5, column 2 lines 38-50).

10. Regarding claim 25, Suzuki disclosed a method wherein said queue is placed in said reboot status in response to receipt of a message from the agent on the

remote device indicating that the reboot process is in progress (Figure 5, column 5 lines 53-63).

11. Regarding claim 26, Suzuki disclosed a method wherein said agent opens a new communication session with said central location to transmit said message (column 8 lines 19-24).

12. Regarding claim 27, Suzuki disclosed a method wherein said new communication session comprises opening a socket connection (Figures 4-5, column 8 lines 19-24). Examiner takes Official Notice (see MPEP § 2144.03) that "secure socket" in a computer networking environment was well known in the art at the time the invention was made (refer to the prior art listing in the conclusion section and PTO-892 specifically reference Frailong et al. (U.S. Patent Number 6,012,100) titled "System and Method of Configuring a Remotely Managed Secure Network Interface"). The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3)

states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

13. Regarding claim 28, Suzuki disclosed a method wherein the completion of the reboot process is detected by receipt of a message from the agent on the remote device (Figures 4-5, column 8 lines 38-53).

14. Regarding claim 29, Suzuki disclosed a method wherein the step of sequentially providing commands to the agent comprises the steps of: retrieving a command from the queue and transmitting said command to the agent; receiving a message from the agent reporting the results of the execution of the command; and retrieving the next command from the queue in response to receipt of said message and transmitting it to the agent (Figures 1, 4-5, and 7, column 7 lines 2-9, column 8 lines 54-60, column 9 line 61-column 10 line 8, column 10 lines 11-33).

15. Regarding claim 30, Suzuki disclosed a method further including the step of updating the status of the queue to indicate the command that has been most recently transmitted to the agent for execution (Figure 4, column 9 lines 26-30, column 10 lines 21-33).

16. Regarding claim 31, Suzuki disclosed a method said sequence of commands cause the agent to install and configure software on the remote device (Abstract, Figure 5, column 8 lines 25-53) .

17. Since all the limitations of the claimed invention were disclosed by Suzuki, claims 22-31 are rejected.

***Response to Arguments***

18. Applicant's arguments with respect to claims 22-31 have been considered but are moot in view of the new ground(s) of rejection.

19. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Frailong et al. (U.S. Patent Number 6,012,100) titled "System and method of configuring a remotely managed secure network interface"

disclosed a security framework wherein the trust relationship established between the gateway interface device and the remote management server is implemented through a comprehensive security framework provided by authentication and encryption mechanisms. Except for the initial configuration process, which is performed over a direct phone line, all communications between the gateway and the remote management server are protected by the Secure Sockets Layer (SSL) protocol. SSL supports the upgrade, reconfiguration, and diagnostic protocols.

b. Shirey ("Internet Security Glossary" RFC 2828) disclosed Secure Sockets Layer (SSL): An Internet protocol that uses connection-oriented end-to-end encryption to provide data confidentiality service and data integrity service for traffic between a client and a server, and that can optionally provide peer entity authentication between the client and the server. SSL is layered below HTTP and above a reliable transport protocol. SSL is independent of the application it encapsulates, and any higher level protocol can layer on top of SSL transparently. SSL has two layers: SSL's lower layer, the SSL Record Protocol, is layered on top of the transport protocol and encapsulates higher level protocols. One such encapsulated protocol is SSL Handshake Protocol. SSL's upper layer provides asymmetric cryptography for server authentication (verifying the server's identity to the client and optional client authentication (verifying the client's identity to the server), and also enables them to negotiate a symmetric encryption algorithm and secret session key (to use for data



confidentiality) before the application protocol transmits or receives data. A keyed hash provides data integrity service for encapsulated data.

c. Baskey et al. (U.S. Patent Number 6,732,269) titled "Methods, systems and computer program products for enhanced security identity utilizing an SSL proxy" disclosed methods, systems and computer program products are provided which communicate between client applications and a transaction server by establishing a persistent secure connection between the transaction server and a Secure Socket Layer (SSL) proxy server. A first session specific SSL connection, different from the persistent secure connection, is also established between a first client application and the SSL proxy server.

22. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

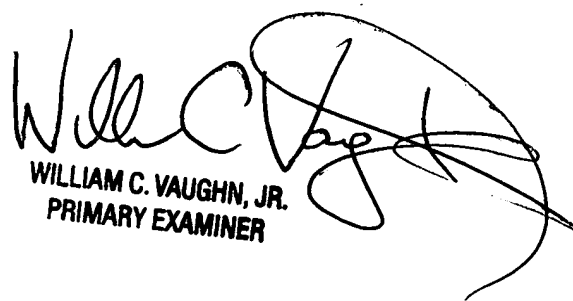
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 3, 2005

  
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PRIMARY EXAMINER